

Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the application.

Please cancel without prejudice Claims 7 and 8.

In response to the Official Action and in accordance with 37 CFR 1.121(c), please enter the following rewritten claims.

1. *(Currently Amended)* A method of aligning a video work with an audio work, wherein
 said audio

and video works are configurable to be played in concert with each other, comprising
the steps of:
 - a. automatically selecting a plurality of audio markers in said audio work, each of
 said selected audio markers having an audio time of occurrence associated
 therewith;
 - b. identifying at least one video marker within said video work, each of said
 identified video markers having a video time of occurrence associated
 therewith;
 - c. selecting one of said identified video markers and said video time of
 occurrence associated therewith;
 - d. selecting a video transition to apply at said selected video marker;
 - e. automatically selecting one of said plurality of audio markers, wherein said
 time of occurrence of said selected audio marker is proximate to said video
 time of occurrence of said selected video marker;
 - f. automatically synchronizing said video transition with said selected audio
 marker by at least adjusting a time duration of said video transition;

- g. applying said synchronized video transition to said video work proximate to said video marker, thereby creating an aligned video work; and,
- h. storing said aligned video work on a computer readable medium.

2. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim 1, wherein is ~~provided at least one audio criterion, each of said at least one audio criteria at least comprising a rule for identifying change points within said audio work,~~ step (a) comprises the steps of:

- (a1) selecting at least one audio criterion, wherein each of said selected at least one audio criterion at least comprises a rule for identifying change points within said audio work, ~~of said provided audio criteria,~~
- (a2) using at least one of said selected audio criteria to identify at least two change points within said audio work,
- (a3) selecting a plurality of said at least two identified change points, thereby identifying a plurality of audio markers within said audio work.

3. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim ~~2~~ 1,

~~wherein is provided a plurality of audio criteria,~~

~~wherein is provided a priority ordering among said plurality of audio criteria, and,~~

wherein step (a) comprises the steps of:

- (a1) selecting a plurality of audio criteria, wherein each of said selected audio criteria at least comprises a rule for identifying change points within said audio work,
- (a2) assigning a priority to each of said selected audio criteria,

(~~a1~~ a3) selecting a highest priority audio criterion from among said plurality of audio criteria ~~according to said provided priority ordering,~~
(~~a2~~ a4) using said selected audio criterion to identify at least two change points within said audio work,
(~~a3~~ a5) selecting a plurality of identified change points, thereby identifying a plurality of audio markers within said audio work.

4. (*Currently Amended*) A method of aligning a video work with an audio work according to Claim 1, wherein is ~~provided a criterion for determining whether an audio marker is suitable for use with a selected video marker, and,~~ wherein step (e) comprises the steps of:
- (e1) choosing one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said video marker,
 - (e2) determining from ~~said a~~ provided criterion for determining whether an audio marker is suitable for use with a selected video marker whether said chosen audio marker is suitable for use with said selected video marker,
 - (e3) if said chosen audio marker is determined to be suitable for use with said selected video marker, selecting said chosen marker,
 - (e4) if said chosen audio marker is determined not to be suitable for use with said selected video marker according to said criterion, performing step (e1) through (e3) until either one of said chosen audio markers is found to be suitable or until all of said plurality of audio markers have been chosen, and,
 - (e5) if after performing step (e1) through (e4) none of said plurality of audio markers is suitable for use with said selected video marker, taking no further action with respect to the selected video marker.

5. *(Original)* A method of aligning a video work with an audio work according to Claim 1, comprising the further steps of:
 - (i) reading said stored aligned video work from said computer readable media;
 - and,
 - (j) playing said aligned video work on a display device.
6. *(Original)* A method of aligning a video work with an audio work according to Claim 1, wherein said computer readable medium is selected from the group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.
7. *(Canceled)*
8. *(Canceled)*
9. *(Original)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert, comprising the steps of:
 - a. determining a plurality of audio markers in said audio work;
 - b. automatically identifying at least one video marker within said video work, wherein said at least one video marker corresponds to a discontinuity in said video work;
 - c. selecting one of said identified video markers;
 - d. selecting a video transition to apply at said selected video marker, said selected video transition having at least one transition parameter associated therewith;
 - e. selecting one of said plurality of audio markers, said selected audio marker

- being proximate in time to said selected video marker;
- f. synchronizing said video transition with said selected audio marker by modifying at least one of said selected transition parameters;
 - g. applying said synchronized video transition to said video work proximate to said selected video marker according to said modified transition parameter; and,
 - h. playing in concert said aligned video work and said audio work, thereby creating an aligned multimedia work.
10. *(Original)* A method of aligning a video work with an audio work according to Claim 9, further comprising the step of:
- i. writing said aligned video work and said audio work to a computer readable medium.
11. *(Original)* A method of aligning a video work with an audio work according to Claim 10, wherein said computer readable medium is selected from a group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.
12. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim 9, wherein ~~is provided at least one audio criterion, each of said at least one audio criterion at least comprising a rule for identifying change points within said audio work,~~ step (a) comprises the steps of:
- (a1) selecting at least one of said ~~provided~~ audio ~~criteria~~ criterion, wherein each of said at least one selected audio criterion at least comprises a rule for identifying change points within said audio work,

- (a2) using at least one of said selected audio criteria to identify at least two change points within said audio work,
- (a3) selecting a plurality of said at least two identified change points, thereby identifying a plurality of audio markers within said audio work.

13. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim 9,

~~wherein is provided a plurality of audio criteria,~~

~~wherein is provided a priority ordering among said plurality of audio criteria, and,~~

wherein step (a) comprises the steps of:

- (a1) selecting a plurality of audio criteria, wherein each of said selected audio criteria at least comprises a rule for identifying change points within said audio work,
- (a2) assigning a priority to each of said selected audio criteria,
- (a1-a3) selecting a highest priority audio criterion from among said plurality of audio criteria ~~according to said provided priority ordering,~~
- (a2-a4) using said selected audio criterion to identify at least two change points within said audio work,
- (a3-a5) selecting a plurality of identified change points, thereby identifying a plurality of audio markers within said audio work.

14. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim 9, wherein ~~is provided a criterion for determining whether an audio marker is suitable for use with a selected video marker, and,~~ wherein step (e) comprises the steps of:

- (e1) choosing one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said video marker,
- (e2) determining from ~~said~~ a provided criterion for determining whether an audio marker is suitable for use with an selected video marker whether said chosen audio marker is suitable for use with said selected video marker,
- (e3) if said chosen audio marker is determined to be suitable for use with said selected video marker, selecting said chosen marker,
- (e4) if said chosen audio marker is determined not to be suitable for use with said selected video marker according to said criterion, performing step (e1) through (e3) until either one of said chosen audio markers is found to be suitable or until all of said plurality of audio markers have been chosen, and,
- (e5) if after performing step (e1) through (e4) none of said plurality of audio markers is suitable for use with said selected video marker, taking no further action with respect to the selected video marker.

15. (New) A method according to Claim 9, wherein step (d) comprises the steps of:

- (d1) selecting a video transition to apply at said selected video marker, said selected video transition having at least one transition parameter associated therewith, wherein said at least one transition parameter comprises a transition starting time and a transition ending time,

and wherein step (f) comprises the step of:

- (f1) synchronizing said video transition with said selected audio marker by modifying at least one of said transition starting time and said transition ending time.

16. (New) A method according to Claim 9, wherein said video transition is a video effect.
17. (New) A method according to Claim 16, wherein said video effect is selected from a group consisting of a wipe, a fade, a cross fade, a zoom in, a zoom out, a push, an overlap, and an iris dilation.